

Message Text

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ORIGIN OES-09

INFO OCT-01 EUR-12 ISO-00 ACDA-12 CIAE-00 INR-10 IO-13
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APPROVED BY OES/NET: D B HOYLE
OES/NET: A LABOWITZ
EUR/EE: W BRADTKE
NRC: G OPLINGER (INFORMED)
-----087583 231812Z /44
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FM SECSTATE WASHDC
TO AMEMBASSY BUCHAREST PRIORITY
INFO AMEMBASSY VIENNA PRIORITY

C O N F I D E N T I A L STATE 214129

USIAEA

E.O. 11652: GDS

TAGS: TECH, ENRG, RO, IAEA

SUBJECT: EXPORT LICENSE FOR ROMANIAN SSR TRIGA FUEL

1. FAVORABLE EXECUTIVE BRANCH RECOMMENDATION FOR ISSUANCE
OF NRC EXPORT LICENSE COVERING INITIAL CORE AND SIX SPARES
(38.675 KILOGRAMS OF U-235 IN URANIUM ENRICHED TO 93.15
PERCENT U-235) HAS BEEN AT NRC FOR APPROXIMATELY 120 DAYS.
IN INFORMAL DISCUSSIONS WITH SEVERAL COMMISSIONERS AND
STAFF FOLLOWING INFORMATION HAS BEEN DEVELOPED.

2. MAJORITY OF COMMISSIONERS APPARENTLY FAVOR ISSUANCE OF
LICENSE IN PRINCIPLE, BUT WITH TWO SUBSTANTIVE RESERVA-
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TIONS. FIRST IS QUESTION OF WHETHER ABSENCE OF COMPLETED
IAEA SAFEGUARDS FACILITY ATTACHMENT (F/A) FOR SSR (AND
ACPR) MAKES IT POSSIBLE FOR NRC TO MAKE FINDING THAT
EXPORT CRITERION IN NUCLEAR NON-PROLIFERATION ACT OF 1978
CONCERNING APPLICATION OF IAEA SAFEGUARDS AS REQUIRED BY
ARTICLE III(2) OF THE NPT IS MET WITH RESPECT TO THIS
EXPORT. FYI: EXECUTIVE BRANCH BELIEVES IT IS MET SINCE

NPT SAFEGUARDS AGREEMENT BETWEEN IAEA AND GOR GIVES AGENCY RIGHT TO APPLY SAFEGUARDS EVEN IN ABSENCE OF F/A. HOWEVER, THIS IS BASICALLY A LEGAL POSITION AND SINCE F/A APPARENTLY CAN BE ACCOMPLISHED RATHER QUICKLY, AS DISCUSSED BELOW, DECISION HAS BEEN MADE NOT TO DEBATE THIS DISTINCTION WITH NRC AT PRESENT TIME. END FYI.

SECOND QUESTION IS WHETHER THERE WILL BE AN OPPORTUNITY FOR EITHER IAEA OR GENERAL ATOMIC PERSONNEL TO CONTINUALLY OBSERVE STORED HEU FUEL DURING MINIMUM NINE-WEEK PERIOD FROM TIME IT BEGINS TO ARRIVE AT REACTOR SITE (IN APPROXIMATELY FIVE KILOGRAM SHIPMENTS) AND ITS LOADING, UNDER GA SUPERVISION ,IN THE REACTOR.

3. OUR DISCUSSIONS WITH US MISSION TO IAEA INDICATE THAT A F/A ESSENTIALLY HAD BEEN COMPLETED FOR THIS FACILITY. HOWEVER, IAEA RECENTLY REQUESTED THAT GOR CONFIRM OR REVISE DESIGN INFORMATION PREVIOUSLY SUBMITTED FOR PREPARATION OF F/A AND GOR HAS SUBMITTED REVISED DATA. BASED ON REVISED INFORMATION, IAEA SECRETARIAT NOW IS IN FINAL STAGES OF DRAFTING REVISED F/A. HOPEFULLY, DRAFTING WILL BE COMPLETED AND THE GOR WILL BE REQUESTED (PROBABLY THROUGH ITS RESIDENT REPRESENTATIVE IN VIENNA) TO APPROVE THE F/A SOME TIME DURING WEEK OF AUGUST 28. AS SOON AS GOR APPROVAL IS OBTAINED, F/A WILL BECOME EFFECTIVE.

4. ACTION REQUESTED: AT EMBASSY'S DISCRETION, IT MAY BRIEF
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APPROPRIATE GOR OFFICIALS ON CURRENT STATUS OF LICENSE APPLICATION IN GENERAL WAY, BUT WITHOUT REVEALING DETAILS OF INTERNAL NRC PROCESS. PROBABILITY OF NRC ISSUANCE IN NEAR FUTURE SHOULD BE EMPHASIZED, BUT FACT THAT THIS PROBABILITY WOULD BE SUBSTANTIALLY ENHANCED BY COMPLETION OF F/A STRESSED. EMBASSY MAY WISH TO SUGGEST THAT RESPONSIBLE OFFICIALS BE ON LOOKOUT FOR F/A AND ARRANGE FOR ITS EXPEDITED REVIEW AND, PRESUMABLY, GOR APPROVAL. CHRISTOPHER

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